

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 14, 1988

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 14 1988
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY _____, BURNS _____, GiaQUINTA _____,
HENRY _____, LONG _____, REDD _____
SCHMIDT _____, STIER _____, TALARICO _____

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR May 24 1988

_____ 19 _____

SPECIAL _____, 19 _____

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its

Regular

Session, held on Tuesday

the 14th day of June, 1988,

that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 17th day of June, 1988.

SANDRA E. KENNEDY, CITY CLERK



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

3 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-05-03

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June 1988.

Robert Hutner
Secretary

FACT SHEET

Z-88-05-03

BILL NUMBER**Division of Community
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>	
Zoning Ordinance Amendment			
From R-2 to R-3			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 2727 No Clinton Street		Sponsor	City Plan Commission
Reason for Project Professional Office		Area Affected	City Wide Other Areas
		Applicants/ Proponents	Applicant(s) Richard Hoffman City Department Other
Discussion (Including relationship to other Council actions) <u>16 May 1988 - Public Hearing</u> See Attached Minutes of Meeting		Opponents	Groups or Individuals Chris Brown, Brookview Assn Jim Sines, Irvington Park Basis of Opposition -opposed to R-3 Zoning in ar -this would set a bad pre edent if rezoned
<u>23 May 1988 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried. Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would be a spot zone -would establish precedent f other requests of similar u
		Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 13 April 1988**Projected Completion or Occupancy****Date** 3 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

Date 3 June 1988**Reviewed by***Gary Barto***Date***6/9/88***Reference or Case Number**

Minutes

16 May 1988 - Public Hearing

2. Public Hearing on Zoning Map Amendment

a. Bill No. Z-88-05-03 - Change of Zone #342
From R-2 to R-3
2727 No Clinton St

John Shoaff stated that David Wright, attorney for the Commission excused himself from considering this case due to a potential conflict of interests.

Gary Cappelli, attorney for the petitioner Richard Hoffman, appeared before the Commission. He stated that they are not asking to put multi-family on this property but instead an office. He stated that Mr. Hoffman was presently operates an office at this address. He stated that it was formerly the home of the petitioner, who is the president and chief operating officer of Kimco Leasing. He stated that Mr. Hoffman has in the past operated his business from this home and the property was purchased by him from the Calvary Temple. He stated that fortunately his business has expanded from a one man operation to an operation that now consists of 11 employees including himself. He stated 5 employees do not work out of the facility 6 employees operate out of the office. He stated that Mr. Hoffman no longer lives in the facility. He stated that the facade of the building is such that it does not necessarily connote residential, it connotes a business use. He stated the purpose for the R-3 zoning request would enable Mr. Hoffman to appeal to the BZA and ask for an office use in the R-3. He stated that this property has landscaping and buffering. He stated that on three sides of the property are located uses which are zoned R-2, one immediately behind the property is R-1. He stated that the landscaping across the entire rear of the property well exceeds the six foot minimum. He stated that the property to the north owned by Calvary Temple is running a radio station from the facility, which is somewhat commercial in nature. He stated across the street are some old stately homes, one of those homes is currently being used as a Group Home. He pointed out the expanded uses allowed in an R-3 stating that the majority would not be practical for the size of property and the structure. He stated that some of the uses such as a nursing home, which is allowed in an R-3 district would be a perfect buffer. He stated that a non-profit private club is also allowed but felt it was a fairly sedate use. He stated that he had reviewed the staff recommendation and stated he took exception the statement that the rezoning could create an undesirable precedent. He stated

Minutes

16 May 1988 - Public Hearing

that the precedent has already occurred here to the north there is a commercial facility. He stated across the street is a tire center which has been expanded. He stated there is a group home across the street. He stated that these uses are transitional uses and that is what he was talking about in this case, this is a transitional use. He stated that this is a perfect buffer between the commercial and residential. He stated that the property has parking for up to seven cars, the ordinance requires for this type of use one parking space for every 400 sq ft of gross floor area. The three buildings total less than 3,000 sq ft and they meet the off street parking requirements.

Mel Smith questioned if they would be requesting any signage.

Mr. Cappelli stated they would not.

Janet Bradbury questioned why they had not requested a POD.

Mr. Cappelli stated that the client had already applied for the R-3 prior to his involvement. He assumed he was advised by staff that the R-3 with a variance would accommodate his situation. He stated that a POD contemplates multi offices, it does not speak to the issue of single office use. He stated that they would accept a POD designation and perhaps would have advised his client to request a POD designation, that would have eliminated having to go to the BZA for approval.

Mrs. Bradbury stated she would speak to the staff about the POD because it would not permit a private club, which she was uncomfortable with.

Sharon Dossen, 2704 No Clinton Street, appeared in favor of the rezoning. Mrs. Dossen stated that they are basically very happy with Mr. Hoffman business. She stated that his property is nice looking and well maintained and they are not opposed to the request.

The following people spoke in opposition to the proposed rezoning request:

Chris Brown, president of the Brookview Civic Association
Jim Sines, Irvington Park Association
Jim Houlihan, 2713 No Clinton St
Scott Simmons
Bill Hinga, 2740 Eastbrook Drive

Minutes

16 May 1988 - Public Hearing

The opposition stated that they were not opposed to Mr. Hoffman or his business as it is presently being operated. They stated they were opposed to the rezoning and the uses that it would open the area up to. They also felt it would set a precedent for other businesses to come into the area. They stated that they wanted to protect the integrity of their neighborhood.

Mr. Cappelli in rebuttal stated that everyone has no objection in the abstract sense of Mr. Hoffman continuing his business pursuits at this facility. He stated that the business hours are 8 am to 5 pm with no additional activity beyond that time. He stated his staff is clerical, there is no product sold from the facility. He stated that this area has changed over a period of years. He stated that they feel this is a perfect opportunity or way of compromising on this issue. He stated they are asking for an R-3 but would accept a POD. He stated that there is no commercial zoning uses allowed in an R-3 district. He stated that it is a small step beyond the R-2 district. He further stated that the size of the property limits the size of any use. He stated this is a perfect transitional use and they feel that is why this is an appropriate request.

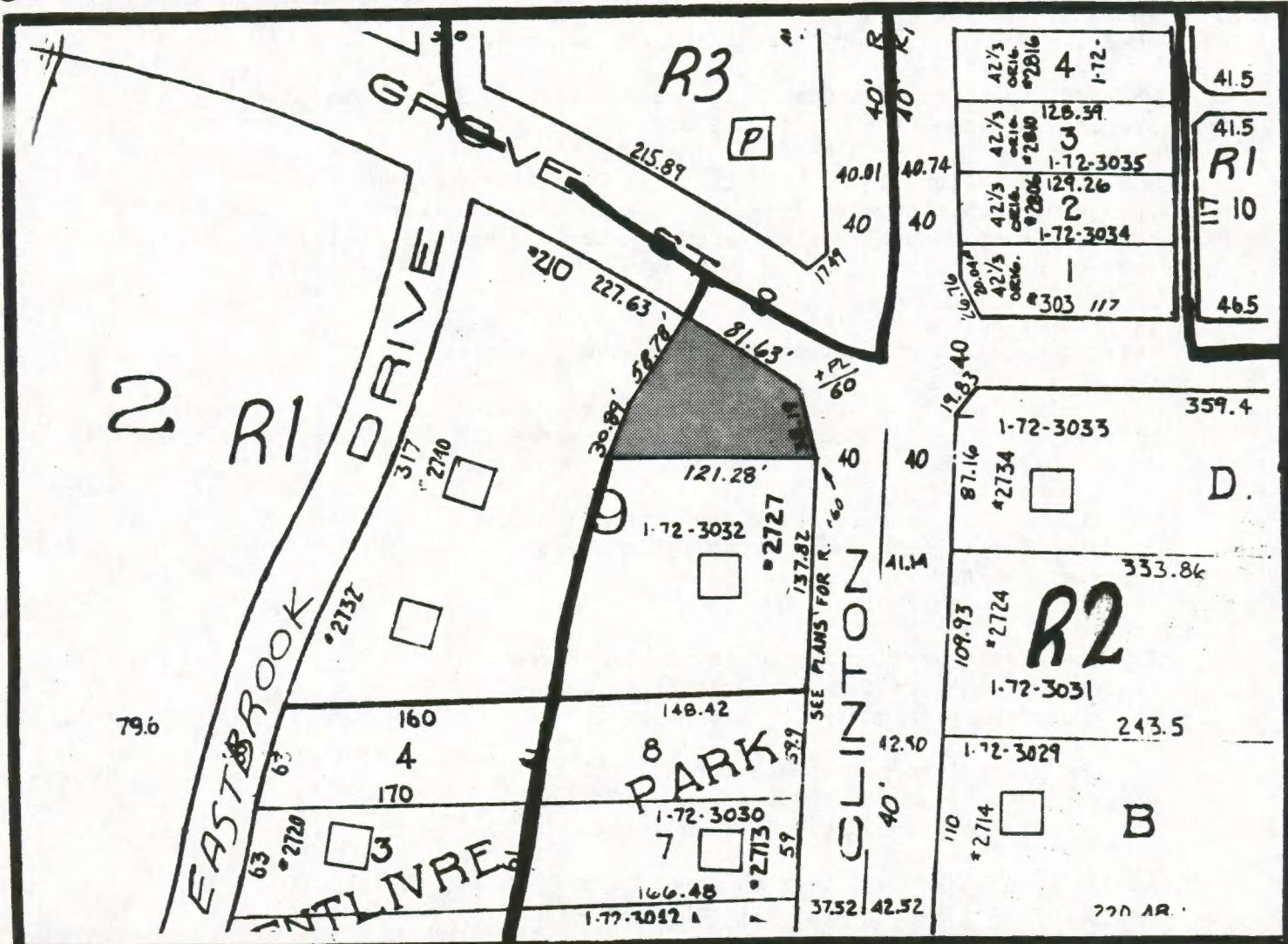
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #342

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO A R3 DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT

LAND USE:

SINGLE FAMILY
 PUBLIC

SCALE: 1"=100'

DATE: 4-28-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 10, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-05-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this
3rd day of June 1988.



Robert Hutner
Secretary

R. J. Hoffman requests a change of zone from R-2 to R-3.

Location: 2727 N. Clinton

Legal: Part of Lot 9 Centlivre Park (See file)

Land Area: Approximately 0.427 Acres

Zoning: R-2

Surroundings:	North	R-2	Residential
	South	R-2	Residential
	East	R-2	Residential
	West	R-1	Residential

Reason for Request: Not stated on petition

Neighborhood Assoc.: Brookview Civic

Neighborhood Plan: No comment

Landscape: No comment received

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses. A proposal should not establish an undesirable precedent in the area to be developed. Rezonings for other than residential purposes could establish an undesirable precedent for this area.

Planning Staff Discussion:

This parcel is south of Grove Street. The area is exposed to relatively high traffic volumes, but has attempted to maintain its residential integrity. The parcel is also located in the River Greenway Overlay District, as it is currently defined by ordinance.

The majority of uses and structures in the immediate area are of a residential nature. The old Calvary Temple site is north of Grove Street, and there is a convalescent center approximately one block north at Dunnwood Drive. There is also a tire store at the intersection of Clinton and Spy Run to the south.

There are R-2 properties on three sides, with R-1 zoning to the west. Approval of this request would therefore create a "spot zone". The Comprehensive Plan envisions this area as being residential, and the Plan Commission has always been greatly

concerned with the preservation of residential property values. While the requested designation is residential in nature, it could permit increased intensities of use, including some non-residential uses.

It would appear that rezoning would not be appropriate at this time, due to potential increases in intensities, and the nature of existing uses and structures. Approval could also have a negative impact on the residential characteristics of the immediate area.

Recommendation: Do Not Pass

- 1) Approval would create a "spot zone".
- 2) Approval would not be in the best interests of preservation of residential integrity and property values.
- 3) Approval would establish a precedent making it difficult to deny similar petitions in the future.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

3 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-04-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June 1988.



Robert Hutner
Secretary

FACT SHEET

Z-88-04-11

BILL NUMBER

Division of Community
Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Ordinance Amendment			
From R-1 to R-2			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 900 Block of Cook Road		Sponsor	City Plan Commission
Reason for Project Proposed development of a duplex subdivision		Area Affected	City Wide Other Areas
		Applicants/ Proponents	Applicant(s) Summit Land Investments Inc City Department Other
Discussion (Including relationship to other Council actions) <u>16 May 1988 - Public Hearing</u> See Attached Minutes of Meeting		Opponents	Groups or Individuals Basis of Opposition
<u>23 May 1988 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried. Of the eight (8) members present six (6) voted in favor of the motion one (1) did not vote and one (1) voted against the motion.		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would create spot zone -would create a negative impact in area
		Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

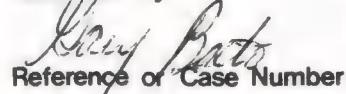
DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 19 February 1988**Projected Completion or Occupancy****Date** 3 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

Date 3 June 1988**Reviewed by**
Reference or Case Number**Date**

6/9/88

3. Public Hearing on Zoning Map Amendment and a Primary Subdivision Plat Deferred From April Public Hearing

- a. Bill No. Z-88-04-11 - Change of Zone #330
From R-1 to R-2
900 Block of Cook Road
- b. Primary Subdivision for "High Pointe Place"

Darrell Post, with Bonar & Associates, engineers for the development appeared before the Commission. Mr. Post stated that located to the east of the project is Shawnee Middle School to the west is new residence and west of that is Armstrong Flowers at the intersection of Cook and Coldwater is a POD, Stone Pointe Office Complex, a church and Lincoln School on the north side, North Baptist church on the south side of Cook Road and apartments at the east end of Cook Road. He stated that they are

Minutes

16 May 1988 - Public Hearing

proposing a project of 24 duplex lots, each lot will vary in size from 100' down to 80'. He stated that they have two separate style of duplexes planned, single story and two story. He stated that the single story ranch is approximately 950 sq ft per unit. The two story is approximately 850 sq ft. He stated that all structures will be required to have a two car garage. He stated they are looking at this as being a very upscale project. He stated that on the development plan they show the last 120 feet on the south side of the project, which abuts Springwood, as being left as is and some area will be used for a detention pond. He stated they felt this would be a good buffer strip between the existing residential of Springwood and the proposed development. He stated that some of the requirements that have been received from the staff from the engineering departments would address the sanitary sewer and water mains in the area. He stated that the service is available. He stated that one of the items in the length of the cul-de-sac, being a long narrow strip and having the school on one side and Springwood Addition on the other side they do not have any opportunity for any stub streets, for anything less than the length of the cul-de-sac that is shown. He stated that they have received approval from the Street Department for the length of the cul-de-sac but it would be part of the Commission's acceptance. He stated that the streets will be dedicated streets and there is a condition of decel and excel lanes on Cook Road, the developer has no problem with meeting those requirements. He stated that Fort Wayne Community Schools has sent a letter stating that there is not an easement adjoining the property for the sanitary sewer. He stated that the developer will work with either the school system to accomplish that easement or there is opportunity to tie into sanitary sewer at the south end of the project. He stated that because of the size of the project it does have extensive development costs, the detention basin, the storm sewer and also the excel and decel lanes on Cook Road. He stated this increased cost of the project makes them feel that duplexes would be the best and appropriate use for the site and that is why they are requesting the R-2 zoning. He presented the Commission with letters of support for the rezoning and development plan from the following: Armstrong Flowers, Inc.; Springwood Community Association; Vicki Nathalang, 826 E Cook Road. He stated that they felt that there is support from the neighborhood association and from the community for the project. He stated that they have met with these people and explained the project to them and they have responded with the letters. He stated that was one of the reasons that they had requested a deferral in April so that they could show the

Minutes

16 May 1988 - Public Hearing

Commission in writing the support of the area residents.

John Shoaff questioned if they were denied the rezoning would they develop the project into single family homes.

Mr. Post stated that without the R-2 zoning they would not continue with the development.

Janet Bradbury questioned what was the difficulty of the length of the cul-de-sac and why they have a designated length of 500 feet.

V.C. Seth stated that it is a requirement of the Subdivision Control Ordinance. He stated that they feel that it probably stems from the Fire Department. He stated that if the cul-de-sac is too long it would cause difficulty if there was an emergency on the street that required blocking it off. The people at the end of the cul-de-sac would be unable to get off of the street.

Janet Bradbury questioned how long this street was.

Mr. Post stated that it was in excess of 1,000 feet.

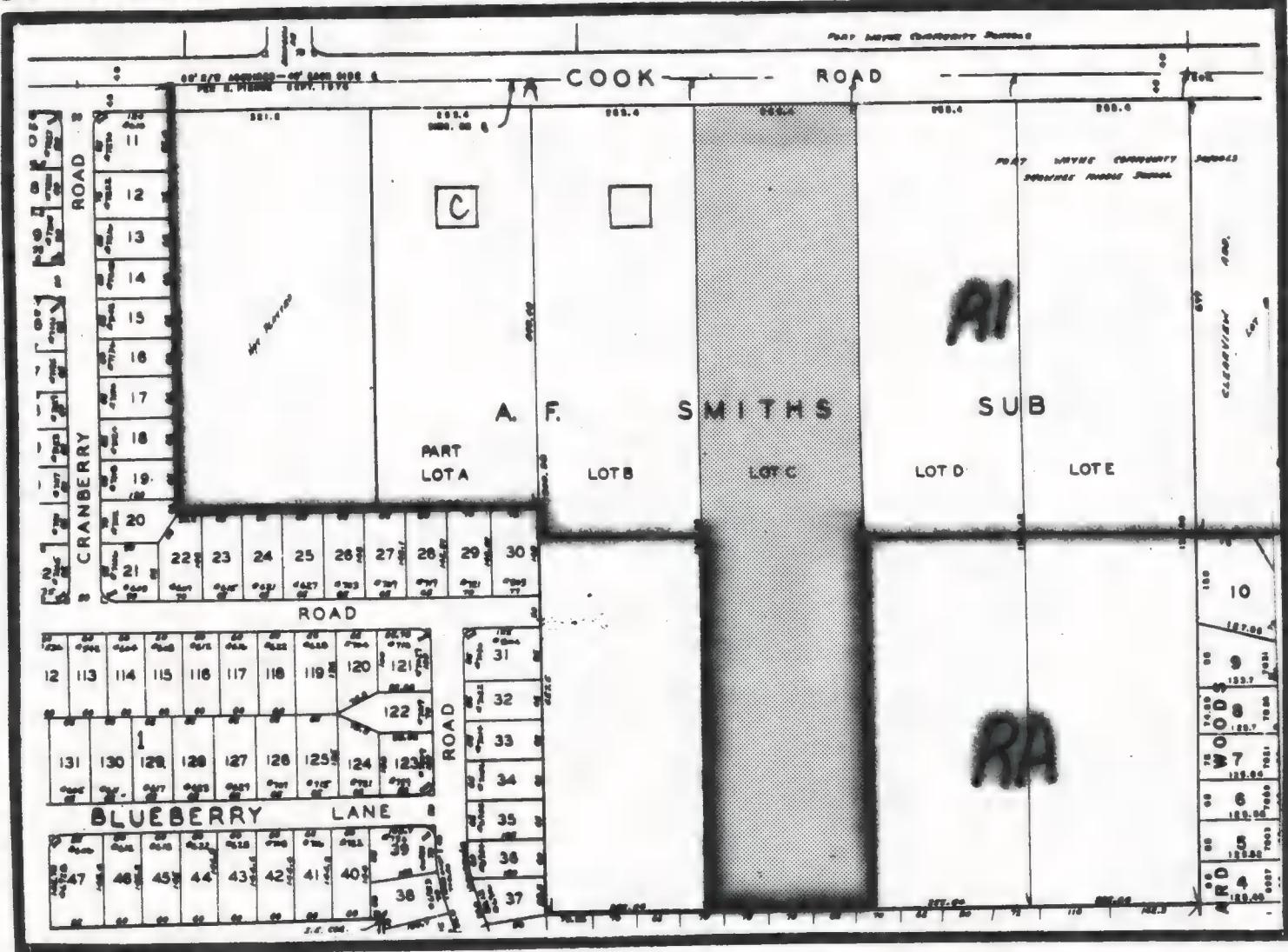
Wayne O'Brien stated that it was around 1,200 feet long.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN RI DISTRICT TO AN RL DISTRICT

MAP NO. N-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

RI RESIDENTIAL DISTRICT
RA RESIDENCE A

LAND USE:

SINGLE FAMILY
 COMMERCIAL

SCALE: REDUCED = 200' SCALE

DATE: 3-29-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-04-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this
3rd day of June 1988.



Robert Hutner
Secretary

Bonar & Associates, Inc. (Engineers), agent for Summit Land Investments, Inc., doing business as Investment Builders, Inc., on behalf of Minota Jane and Richard R. Bidlack, request a change of zone from R-1 to R-2.

Location: 900 block of Cook Road (immediately west of Shawnee Middle School)

Legal: Lot C of A. F. Smith's Addition

Land Area: Approximately 7.4 Acres

Zoning: R-1

Surroundings:	North	R-1	School & Residential
	South	RA	Single Family Residential
	East	RA/R-1	School
	West	R-1/RA	Residential

Reason for Request: proposed development of a duplex subdivision

Neighborhood Assoc.: Springwood

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and other development proposals should be compatible with existing and planned land uses, and should not establish an undesirable precedent in the area to be developed. The goal in the North Sector, where this request is located, is for orderly growth.

Neighborhood Plan: No Comment.

Landscape: No comment received.

Planning Staff Discussion:

This site has been the subject of various rezonings and development proposals over the last five years. The physical configuration of the site has caused some apparent difficulty with potential developments.

The area is predominately single family residential, with two schools and a greenhouse/florist in the immediate vicinity. Approval of the request would constitute a "spot zoning" in that there are not existing R-2 designations in the area.

Approval would result in a negative impact on the area, in terms

of increased density, traffic generation potential, and increases in school enrollment possible. We feel that the existing developments and classifications in the area mandate retaining this parcel as R-1. (The current developer has proposed a 24 lot duplex subdivision. The only impact that this would have on that proposal would be in the elimination of duplex uses.)

Recommendation: Do Not Pass

- 1) Approval would constitute a "spot zone".
- 2) Approval could have a negative impact on the area due to increased traffic generation, density, and potential school enrollment.
- 3) Approval would allow for a development that would be out of character with existing developments.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

3 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-05-04

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June 1988.

A handwritten signature in black ink that appears to read "Robert Hutner".

Robert Hutner
Secretary

FACT SHEET

Z-88-05-04

BILL NUMBER**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Ordinance Amendment From B-1-B to B-3-B			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 2325 Goshen Road		Sponsor Area Affected	City Plan Commission City Wide Other Areas
Reason for Project Establish a used car lot on property.		Applicants/ Proponents Opponents	Applicant(s) Steven J. Owen City Department Other
Discussion (Including relationship to other Council actions) <u>16 May 1988 - Public Hearing</u> Steve Owen, petitioner stated that the property has been for sale for over two years and has not sold at the present zoning of B-1-B. He stated that he felt the rezoning would enhance the sale value of the property. He stated that he was proposing to put a used car lot on the property and would employ six people. He stated that the property is presently unattractive and that he intends to update the home on the property for a sales office. He stated that he felt it would be an improvement for the area to have it updated and cleaned up and it would create new jobs for area residents. Yvonne Stam questioned if he had owned or worked in the field of used car sales. Mr. Owen stated he had not, this would be his first venture into this field. Janet Bradbury questioned if he intended to do any work on the cars on the property. Mr. Owen stated that they were proposing		Staff Recommendation Board or Commission Recommendation	Groups or Individuals Basis of Opposition For <input type="checkbox"/> Against <input checked="" type="checkbox"/> Reason Against -would constitute spot zone -could lead to similar requests in future
		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

to put a new building up to use to repair and paint cars.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 May 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 14 April 1988**Projected Completion or Occupancy****Date** 3 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

Date 3 June 1988**Reviewed by***Chay Britt***Date**

6/7/88

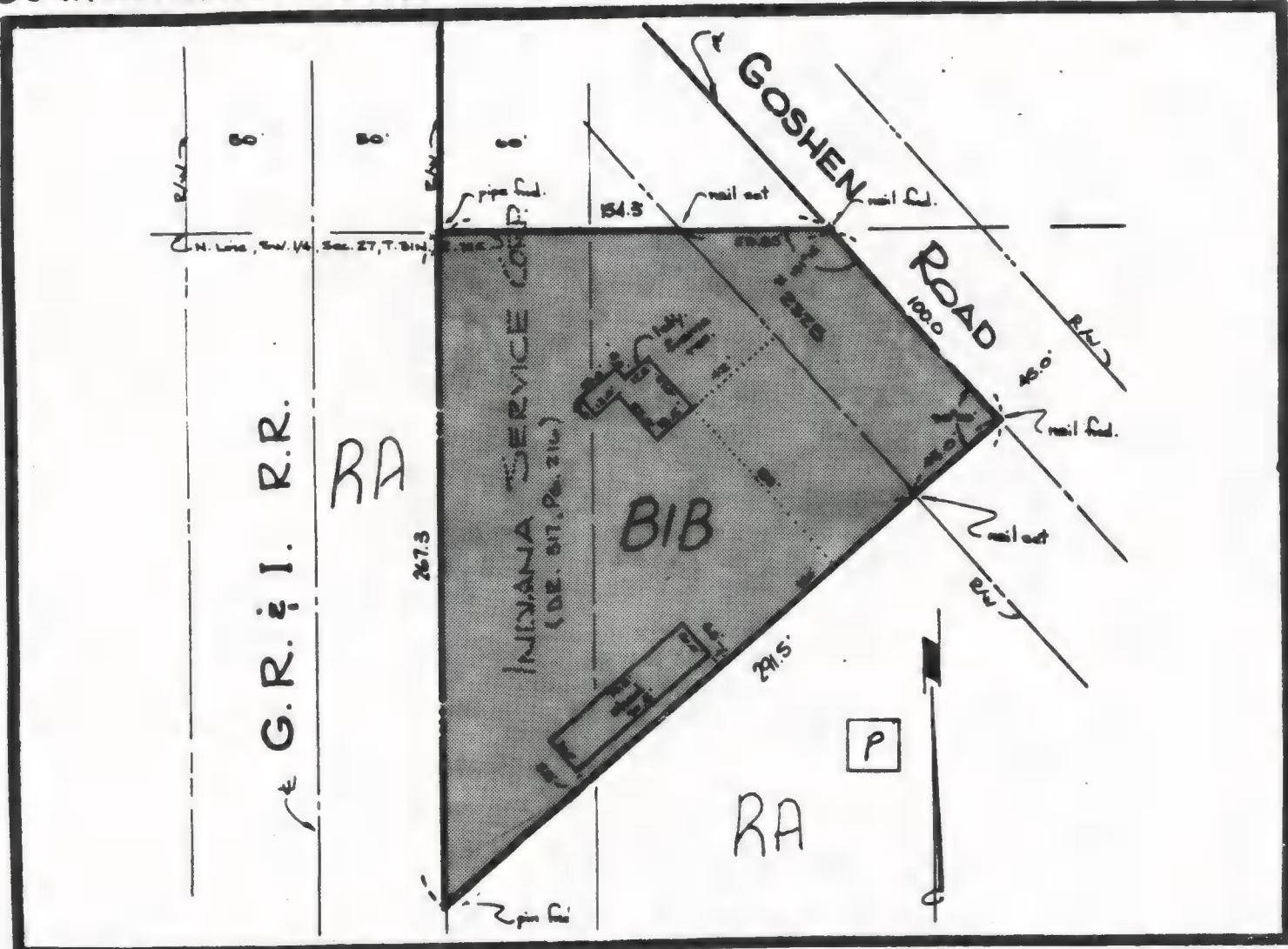
Reference or Case Number

REZONING PETITION #341

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT

MAP NO. J-22

COUNCILMANIC DISTRICT NO. 3



ZONING:

B1B LIMITED BUSINESS 'B'
RA RESIDENCE A

LAND USE:

- SINGLE FAMILY
- PUBLIC - CHURCH

SCALE: N.T.S.

DATE: 4-28-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 10, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-05-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this
2nd day of June 1988.



Robert Hutzner
Secretary

Ronald P. & Nancy L. Sowles request a change of zone from B-1-B to B-3-B.

Location: 2325 Goshen Road

Legal: See file

Land Area: Approximately 0.8 Acres

Zoning: B-1-B

Surroundings:	North	RA	Residential
	South	RA	Residential
	East	B-1-B	Commercial
	West	M-1	Industrial

Reason for Request: Used car lot

Neighborhood Assoc.: Bass-Leesburg Civic

Neighborhood Plan: No comment

Landscape: No comment received

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses. A proposal should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

This area of Goshen Road has a mix of residential and business uses, with an industrial area located north and west of this parcel. The area to the south has limited business uses on one side of Goshen Road, with residential uses on the other.

The existing B-1-B designation permits over 90 uses. A rezoning to a B-3-B would permit additional uses of a more intense nature.

In an rezoning petition, we need to evaluate the petition against the Comprehensive Plan, the current condition and character of existing structures and uses, conservation of property values, and responsible development and growth.

There are no B-3-B designated parcels in the immediate area, and approval would therefore constitute a "spot zone". The increase in permitted uses would potentially lead to similar requests in the future. Possibly the Plan Commission should re-examine this area to determine if such intensification would be appropriate, and if so, if frontage roads should be required etc.

Recommendation: Do Not Pass

- 1) Approval would constitute a "spot zone".
- 2) Approval could lead to similar requests in the future, which would have a negative impact of the existing residential developments in the area.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

3 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a portion of a dedicated plat and a portion of dedicated street right-of-way.

The proposed ordinance is designated as:

BILL NO. G-87-10-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June 1988.

Robert Hutner
Secretary

FACT SHEET

G-88-10-11

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Plat & Right-of-Way Vacation Ordinance			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address Lots 7 thru 17 in Tamera Place Addition and a portion of Connijean Court.		Sponsor	City Plan Commission
Reason for Project New platting of a duplex subdivision.		Area Affected	City Wide Other Areas
Discussion (Including relationship to other Council actions) <u>19 October 1987 - Public Hearing</u> Doug McComb, engineer for project representing Ed Keller the owner stated that they are asking for the vacation because they have a replatting of the property for duplexes which has been before the Commission and has received conditional approval. He stated in order to incorporate the new plat they must vacate the old one. Dianna Kimmel, 1207 Sylvia Street, stated the residents in the area were opposed to duplexes on this property. She stated that they want to be sure that they put a through street to John Street, which directly affects the present residents of the area. Wayne O'Brien stated that on the secondary plan for the proposed subdivision it does not show Connijean Court as a through street to John Street, but it ends in a cul-de-sac prior to intersecting with John Street. Ms. Kimmel stated that Mr. Keller presented it to the neighbors and asked for signatures in support of project. He represented to them that Connijean Court would be a through		Applicants/ Proponents	Applicant(s) Edward Keller City Department Other
		Opponents	Groups or Individuals Dianna Kimmel, 1207 Sylvia Basis of Opposition -felt Connijean Ct should run through to John Street to avoid traffic congestion in area
		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
		Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

street to John Street. She stated that they were opposed to duplex development they felt it would add heavy traffic to the area. She stated that people are having to turn around and come back through their area. She felt if there was a through street to John Street it would eliminate this traffic and they could go straight out and onto U.S. 27.

Steve Smith questioned if Ms. Kimmel represented the neighborhood association.

Ms. Kimmel stated that they are trying to get an association formed at the present.

An area resident questioned why they could not have a through street. She stated that Mr. Keller said they would have a through street.

Steve Smith stated that question would be best asked of the staff tomorrow and they could answer questions as to why the street could not be continued on through and what necessitated the street being cul-de-sacced.

Doug McComb in rebuttal stated that the owner of the project would like to see the street go straight through. He stated that Traffic and Street Engineering was against a through street.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes

(This space for further discussion)

26 October 1988 - Business Meeting

Motion was made and seconded that the ordinance be returned to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

NOTE: This ordinance has been held in order for the petitioner to satisfy easement requirements of Water Engineering and Water Pollution Control Engineering.

Terry Atherton, Director of Water Resources sent a memo to CD&P stating that the easement requirements had been satisfied.

Project Start

Date 18 September 1987

Projected Completion or Occupancy

Date 3 June 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Lacy Barta
Reference or Case Number

Date 3 June 1988

Date

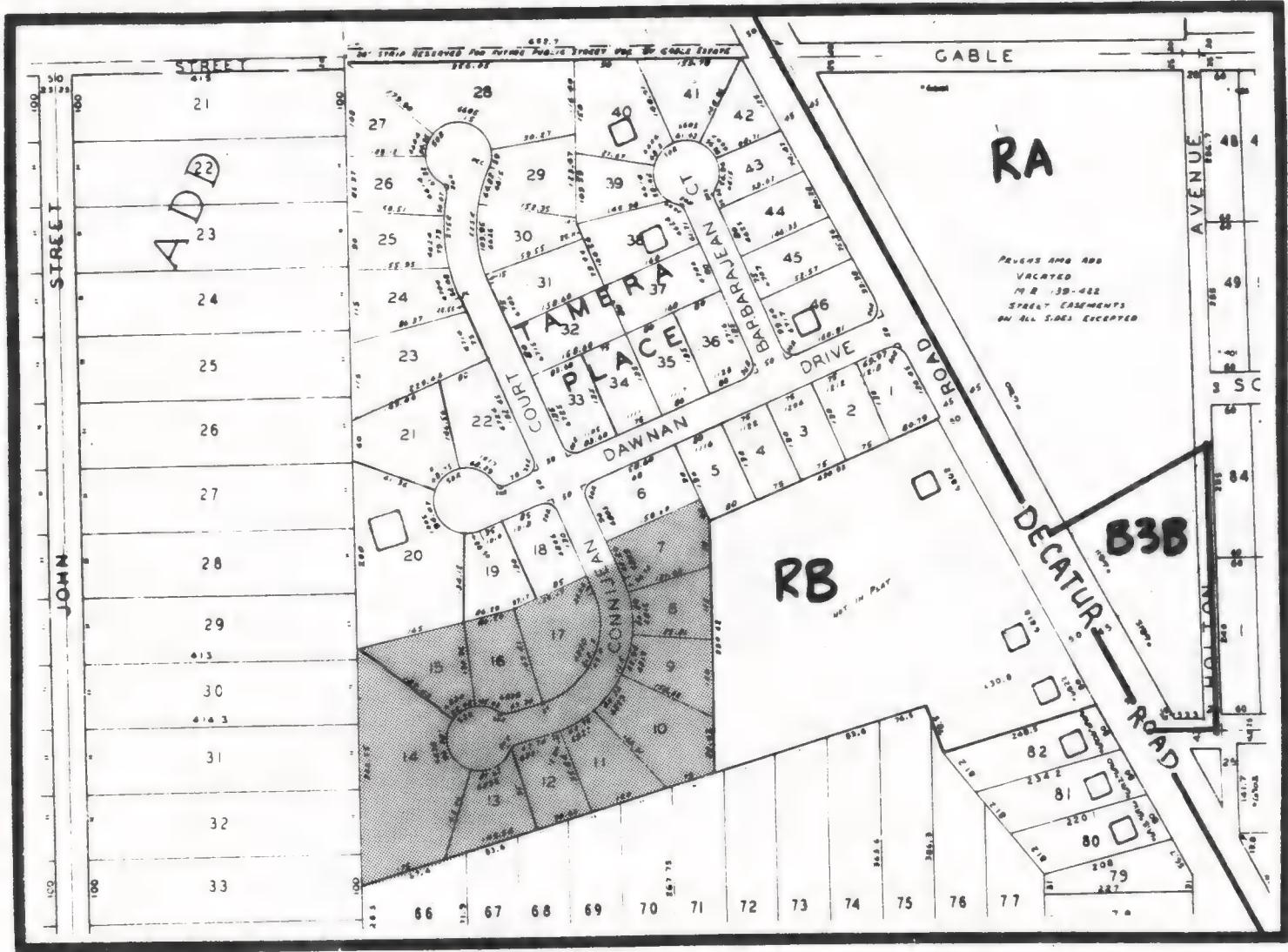
6/9/88

VACATION PETITION

A PETITION TO VACATE THE DESCRIBED SUBDIVISION.

MAP NO. O-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

B3B GENERAL BUSINESS 'B'
RA RESIDENCE 'A'
RB RESIDENCE 'B'

LAND USE:

SINGLE FAMILY

SCALE: 1:300

DATE: 9-30-87



Douglas A. McComb, agent for Edward Keller, Sr., requests the vacation of portions of Tamera Place Subdivision.

Location: Connijean Court

Legal: Lots 7 thru 17 of Tamera Place Addition

Land Area: Approximately 6.3 Acres

Zoning: RB

Surroundings: The immediate area is zoned RB

Reason for Request: New platting of a duplex subdivision

Neighborhood Assoc.: South Suburban Civic

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Proposal for duplex use on the land is consistent with the Comprehensive Plan and the surrounding land uses.

Neighborhood Plan: No Comment

Landscape: No Comment

Planning Staff Discussion:

These lots are currently undeveloped. The owner/developer has appeared before the Plan Commission with a new platting of this ground for a duplex residential subdivision. As a part of the Conditional Approval granted that subdivision application, the vacation of this portion of the existing plat was required.

We see no objection to the vacation of this portion of the Tamera Place plat as requested. There does not appear to be a need to maintain this partial plat for ingress or egress reasons, as the existing subdivision has access to Decatur Road.

Recommendation: Do Pass

- 1) Approval will satisfy a condition placed on the submitted platting of a 20 lots duplex subdivision encompassing this portion of ground.
- 2) Approval will not impact any other property.
- 3) Continuation of this partial plat is not necessary to the continued growth of the City.

RESOLUTION 77-192-1

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a portion of a dedicated plat and dedicated right-of-way in Fort Wayne, Allen County, to-wit:

Lots Numbered 7 thru 17, and that part of Connijean Court lying adjacent to said lots, in Tamara Place as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot #14 in Tamara Place, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North 01 degrees 31 minutes 11 seconds West along the West line of Lot #14 a distance of 366.55 feet to the Northwest corner of said Lot #14 and the Northwest corner of Lot #15 in Tamara Place; thence North 76 degrees 52 minutes East along the North lines of Lot #15 and Lot #16 in said Tamara Place, a distance of 251.74 feet (251.29 feet, plat) to the Northeast corner of Lot #16 and the Northwest corner of Lot #17 in Tamara Place; thence North 65 degrees 10 minutes 01 seconds East, along the North line of Lot #17, a distance of 172.17 feet to a point on the West line of Lot #7, and on the Easterly right-of-way line of Connijean Court; thence North 24 degrees 49 minutes 59 seconds West along the West line of Lot #7 and the Easterly right-of-way line of Connijean Court, a distance of 40.0 feet; thence North 65 degrees 10 minutes 01 seconds East, along the North line of said Lot #7, a distance of 158.60 feet to the Northeast corner of Lot #7; thence South 24 degrees 49 minutes 59 seconds East, along the Easterly line of Lot #7, a distance of 40.0 feet; thence South 00 degrees 52 minutes 14 seconds East, along the East line of Lots #7, #8, #9 and #10 in Tamara Place, a distance of 390.62 feet to the Southeast corner of Lot #10; thence South 72 degrees 23 minutes 01 seconds West, along the Southerly lines of Lots #10, #11, #12, #13 and #14 in Tamara Place, a distance of 568.20 feet to the point of beginnning, containing 4.70 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of the portion of dedicated plat and a portion of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of dedicated plat and dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

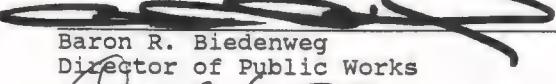
BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of a dedicated plat and dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

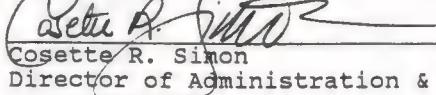
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Baron R. Biedenweg, Director of the
Board of Public Works, do hereby certify that attached hereto is
a full, true and correct copy of a resolution adopted by the
Fort Wayne Board of Public Works at their meeting held
November 15, 1987 and as same appears
of record in the official records of the Board of Public Works

DATED THIS 18th DAY OF November 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Gregory A. Purcell, Director of Division of
Community Development & Planning

RESOLUTION

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated plat and a portion of public street in Fort Wayne, Allen County, to-wit:

Lots Numbered 7 thru 17, and that part of Connijean Court lying adjacent to said lots, in Tamara Place as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot #14 in Tamara Place, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North 01 degrees 31 minutes 11 seconds West along the West line of Lot #14 a distance of 366.55 feet to the Northwest corner of said Lot #14 and the Northwest corner of Lot #15 in Tamara Place; thence North 76 degrees 52 minutes East along the North lines of Lot #15 and Lot #16 in said Tamara Place, a distance of 251.74 feet (251.29 feet, plat) to the Northeast corner of Lot #16 and the Northwest corner of Lot #17 in Tamara Place; thence North 65 degrees 10 minutes 01 seconds East, along the North line of Lot #17, a distance of 172.17 feet to a point on the West line of Lot #7, and on the Easterly right-of-way line of Connijean Court; thence North 24 degrees 49 minutes 59 seconds West along the West line of Lot #7 and the Easterly right-of-way line of Connijean Court, a distance of 40.0 feet; thence North 65 degrees 10 minutes 01 seconds East, along the North line of said Lot #7, a distance of 158.60 feet to the Northeast corner of Lot #7; thence South 24 degrees 49 minutes 59 seconds East, along the Easterly line of Lot #7, a distance of 40.0 feet; thence South 00 degrees 52 minutes 14 seconds East, along the East line of Lots #7, #8, #9 and #10 in Tamara Place, a distance of 390.62 feet to the Southeast corner of Lot #10; thence South 72 degrees 23 minutes 01 seconds West, along the Southerly lines of Lots #10, #11, #12, #13 and #14 in Tamara Place, a distance of 568.20 feet to the point of beginnnning, containing 4.70 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 19, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of a portion of a dedicated plat and the portion of street.

WHEREAS, said vacation of said portion of dedicated plat and the portion of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of dedicated plat and portion of street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of dedicated plat

and portion of street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of dedicated plat and portion of street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of dedicated plat and portion of street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held Oct 30, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30 DAY OF November 1987

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner, Secretary



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

3 June 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-88-05-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June 1988.



Robert Hutner
Secretary

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802



MEMORANDUM

TO: City Council Members

FROM: Greg Purcell Director, Community Development
and Planning

SUBJECT: River Greenway Ordinance (G-88-05-21)

DATE: June 13, 1988

Attached is an amendment to the Zoning Ordinance which would significantly revise the section establishing the River Greenway Overlay District. I have summarized the most important elements of the amendment below:

Definition of Boundaries: The existing ordinance does not clearly define the boundaries of the River Greenway district. Although CD&P quarter-section maps show the area 500' from the riverbank, this is in conflict with the common definition of the River Greenway used by the Parks Department which is 100'. The new language clearly states that the River Greenway District is 100' from the riverbank and uses the FEMA definition for the riverbank.

Creation of River Greenway Committee: The amendment creates a five-member "advisory" body to the Plan Commission to review development in the River Greenway District with the following composition:

- 2 members of the Plan Commission
- 2 members of the Board of Park Commissioners
- 1 citizen representing the River Greenway Consortium, Inc.
- 1 representative of the Maumee River Basin Commission

Two Tier Review Process: The ordinance creates a "simple" review process for projects that would not have a significant impact on the River Greenway, and a more "detailed" process for developments that may have a significant impact. Both processes are outlined below:

No Significant Impact: The application is submitted to the Plan Commission and forwarded to the River Greenway Committee for review. If the Committee determines the development would not significantly impact the River Greenway, for example the construction of a shed in the backyard of a homeowner, a finding of "no significant impact" is made and a recommendation made to the Plan Commission to authorize an Improvement Location Permit at the next business meeting. Upon concurrence by the Plan Commission, the petitioner can receive an Improvement Location Permit.

City Council Members
June 13, 1988
Page 2

Development Plan Review: If the River Greenway Committee determines the development may have a "significant" impact on the River Greenway, a detailed site plan must be prepared by the petitioner. The Plan Commission would hold a public hearing on the petition and the comments received and plan are forwarded to the River Greenway Committee for evaluation and recommendation.

After receiving the recommendations of the River Greenway Committee, the Plan Commission can approve, modify with conditions, or deny the petition.

The primary purpose of this ordinance is to clarify some ambiguous elements in the current ordinance and to formally bring in three groups to the decision-making process who have a clear interest in the River Greenway, i.e. the Park Board, River Greenway Consortium, Inc., and the Maumee River Basin Commission. While bringing in the major interest groups for consultation, the ordinance also eliminates the need for expensive drawings and site plans when a property owner wants to construct something that will have no significant impact on the River Greenway.

I trust this summary will be helpful in understanding the ordinance amendment. Should you have any questions, please do not hesitate to contact me.

GP/sjh

FACT SHEET

G-88-05-21

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE <u>River Greenway Ordinance</u>	APPROVAL DEADLINE <u></u>	REASON <u></u>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">DETAILS</th> <th style="width: 30%;">POSITIONS</th> <th style="width: 40%;">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> Specific Location and/or Address <u>Not Applicable</u> </td> <td style="vertical-align: top;"> Sponsor <u></u> </td> <td style="vertical-align: top;"> <u>City Plan Commission</u> </td> </tr> <tr> <td style="vertical-align: top;"> Reason for Project <u>This Ordinance provides for a systematic approach to review of developments that are proposed in the River Greenway.</u> </td> <td style="vertical-align: top;"> Area Affected <u></u> </td> <td style="vertical-align: top;"> <u>City Wide</u> <u>Other Areas</u> </td> </tr> <tr> <td style="vertical-align: top;"> Discussion (Including relationship to other Council actions) <u>18 April 1988 - Public Hearing</u> <u>See Attached Minutes of Meeting</u> </td> <td style="vertical-align: top;"> Applicants/ Proponents <u></u> </td> <td style="vertical-align: top;"> <u>Applicant(s)</u> <u>City Department</u> <u>Land Use Management - CD&P</u> <u>Other</u> </td> </tr> <tr> <td style="vertical-align: top;"> <u>25 April 1988 - Business Meeting</u> <u>The amendment was deferred in order for the Plan Commission's attorney to look into the legal question raised by Yvonne Stam.</u> </td> <td style="vertical-align: top;"> Opponents <u></u> </td> <td style="vertical-align: top;"> <u>Groups or Individuals</u> <u>Basis of Opposition</u> </td> </tr> <tr> <td style="vertical-align: top;"> <u>23 May 1988 - Business Meeting</u> <u>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.</u> <u>Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.</u> </td> <td style="vertical-align: top;"> Staff Recommendation <u></u> </td> <td style="vertical-align: top;"> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <u>Reason Against</u> </td> </tr> <tr> <td style="vertical-align: top;"> <u></u> </td> <td style="vertical-align: top;"> Board or Commission Recommendation <u></u> </td> <td style="vertical-align: top;"> <u>By</u> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions <u>(See Details column for conditions</u> </td> </tr> <tr> <td style="vertical-align: top;"> <u></u> </td> <td style="vertical-align: top;"> CITY COUNCIL ACTIONS <u>(For Council use only)</u> </td> <td style="vertical-align: top;"> <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass </td> </tr> </tbody> </table>			DETAILS	POSITIONS	RECOMMENDATIONS	Specific Location and/or Address <u>Not Applicable</u>	Sponsor <u></u>	<u>City Plan Commission</u>	Reason for Project <u>This Ordinance provides for a systematic approach to review of developments that are proposed in the River Greenway.</u>	Area Affected <u></u>	<u>City Wide</u> <u>Other Areas</u>	Discussion (Including relationship to other Council actions) <u>18 April 1988 - Public Hearing</u> <u>See Attached Minutes of Meeting</u>	Applicants/ Proponents <u></u>	<u>Applicant(s)</u> <u>City Department</u> <u>Land Use Management - CD&P</u> <u>Other</u>	<u>25 April 1988 - Business Meeting</u> <u>The amendment was deferred in order for the Plan Commission's attorney to look into the legal question raised by Yvonne Stam.</u>	Opponents <u></u>	<u>Groups or Individuals</u> <u>Basis of Opposition</u>	<u>23 May 1988 - Business Meeting</u> <u>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.</u> <u>Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.</u>	Staff Recommendation <u></u>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <u>Reason Against</u>	<u></u>	Board or Commission Recommendation <u></u>	<u>By</u> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions <u>(See Details column for conditions</u>	<u></u>	CITY COUNCIL ACTIONS <u>(For Council use only)</u>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 8 April 1988**Projected Completion or Occupancy****Date** 3 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

Reviewed by*Say Brcta*
Reference or Case Number**Date**

6/13/88

c. Deletion of existing Section 33-53 thru 33-58, and replacement with new ordinance text for River Greenway Overlay District.

V.C. Seth, Director of Planning for CD&P, stated that there are three major changes in the ordinance. He stated one is in the area of procedures. The difference is that right now that should someone submit a request for approval in the Rivergreenway it is submitted directly to the Plan Commission. In the new procedure there is a creation of Rivergreenway Committee, which includes members of the Planning, members of the Park Commission and a member from the River Greenway Consortium Inc. This committee would receive the request first and act as an advisory committee to the Plan Commission. He stated the second change is the area included in the Rivergreenway. It is currently 500 feet on either side from the center of the river. He stated they felt it was too wide of an area and they are suggesting instead that it be 100 feet from the floodway mark. Mr. Seth explained the proposed RGO review and approvals. He stated that the applicant applies for approval and it goes to the Rivergreenway Committee, if it is not a substantial change it is given the required building permits, if it is a substantial change the Commission reviews it. He stated it goes through the Plan Commission public hearing and then it is reviewed by the Rivergreenway Committee. He stated

Minutes

**City Plan Commission Public Hearing
18 April 1988**

that this committee makes a recommendation to the Plan Commission before the Commission makes its final decision.

Yvonne Stam questioned whether the Rivergreenway Consortium Inc was a private or public organization.

Greg Purcell stated that it is a private non-profit organization.

Yvonne Stam stated that is what she thought it was. She stated she felt that they were delegating a public duty, a governmental function to someone that is essentially not an appropriate place to delegate it to. She stated she had no problem with the idea of the committee, but stated she did have a problem with saying that the Mayoral appointee has to be a member of some other organization, particularly when it is not a governmental function. She stated that we would be delegating governmental functions to a private organization. She stated that by saying that the fifth member of the committee must be from a private organization causes delegation problems.

Greg Purcell stated that he also requested that the Maumee River Basin Commission be added as well. He stated that their basic interest is to try to get all of the actors who have some interest in what happens within that riverbank area together to review private development plans.

Mrs. Stam stated she did not have a problem with the concept because in the end the Plan Commission will be the ones making the decision. She stated that the problem is the idea of designating a private body as the pool from which to draw a member, because if the Committee decides the Plan Commission does not need to consider a project it will go right for building permits. She stated that is where she had a problem with delegation.

Mr. Purcell stated as he understood was that the Committee has two roles one is advisory to the Commission in whether or not there is a development plan prepared and forwarded to the Commission. He stated that Mrs. Stam problem was legally that the Plan Commission is giving the authority to this Committee to make decisions as to whether something is significant or not. He stated it is a legal question and he would defer the question to legal counsel.

David Wright stated he would look into the question, but he was

of the understanding that Linda Powell of the City Attorney's staff had been working on the Rivergreenway. He stated she may already have an answer. He stated if she does not he will resolve the question.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendments.

ADJOURNMENT:

May 25, 1988

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

44/88/E, 45/88/E, 46/88/D, 47/88/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution(s) a matter of record and incorporate them into the minutes of the next Common Council meeting.

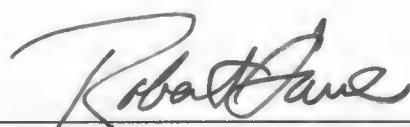
Respectfully submitted,


Robert L. Hause, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 44/88/E
45/88/E
46/88/D
47/88/E

I hereby certify that I did this 25th. day of May, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution Nos. 44/88/E, 45/88/E, 46/88/D, 47/88/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



CHAIRMAN, BOARD OF PUBLIC SAFETY

REGULATORY RESOLUTION NO. 44/88/E

(Adopted May 25, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

STOP INTERSECTION

(EMERGENCY)

_____ and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 16, 19 88, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

May 25, 19 88, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION

(EMERGENCY)

Cha Cha Peta Pass	--Stop--	for Valdosta Drive
Medicine Bow Run	--Stop--	for Valdosta Drive
Big Horn Place	--Stop--	for Stand Ridge Run

REGULATORY RESOLUTION NO. 45/88/E

(Adopted May 25, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

STOP INTERSECTION (EMERGENCY)

and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 16, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

May 25, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Harrison Street	--Stop--	for Fairfax Avenue
Fairfax Avenue	--Stop--	for Buell Drive
Webster Street	--Stop--	for Lenox Avenue
Lenox Avenue	--Stop--	for Hoagland Avenue

REGULATORY RESOLUTION NO. 46/88/D

(Adopted May 25, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

DELETE:

PREFERENTIAL INTERSECTION (EMERGENCY)

_____ and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 16, 19 88, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

May 25, 19 88, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION (EMERGENCY)

Fairfax Avenue	--preferential--	at Harrison Street
Buell Drive	--preferential--	at Fairfax Avenue
Lenox Avenue	--preferential--	at Webster Street
Hoagland Avenue	--preferential--	at Lenox Avenue

REGULATORY RESOLUTION NO. 47/88/E

(Adopted May 25, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

Renew & Extend

NO PARKING

(EMERGENCY)

and ,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 23, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

May 25, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Clayton Avenue --south side-- from Sherman Boulevard to 165' west thereof

June 1, 1988

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

48/88/E, 49/88/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution(s) a matter of record and incorporate them into the minutes of the next Common Council meeting.

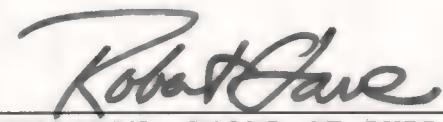
Respectfully submitted,


Robert G. Gove, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 48/88/E
49/88/E

I hereby certify that I did this 1st. day of June, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution Nos.48/88/E, 49/88/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



ROBERT G. DAVIS
CHAIRMAN, BOARD OF PUBLIC SAFETY

REGULATORY RESOLUTION NO. 48/88/E

(Adopted June 1, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

Renew & Extend

NO PARKING (TEMPORARY)

(EMERGENCY)

and ,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 31, 19 88, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

June 1, 19 88, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (TEMPORARY)

(EMERGENCY)

Reynolds Street --north side-- from 220 feet east of Edsall Avenue to 190 feet each side of Birchwood Avenue

REGULATORY RESOLUTION NO. 49/88/E

(Adopted June 1, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

Renew & Extend

NO PARKING

(EMERGENCY)

and ,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 31, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

June 1, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Van Buren Street --east side-- from Jefferson Boulevard to 180' south thereof

June 9, 1988

President of the Common Council
City of Fort Wayne, Indiana

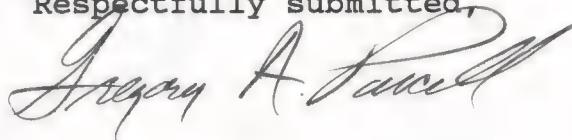
Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

50/88/E, 51/88/E, 52/88E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution(s) a matter of record and incorporate them into the minutes of the next Common Council meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory A. Powell".

, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 50/88/E
51/88/E
52/88/D

I hereby certify that I did this 9th day of June, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution Nos.50/88/E, 51/88/E, 52/88/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



GEORGE F. POWELL
CHAIRMAN, BOARD OF PUBLIC SAFETY

REGULATORY RESOLUTION NO. 50/88/E

(Adopted June 9, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

90 MINUTE PARKING 8 A.M. - 6 P.M.

(EMERGENCY)

and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 1, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

June 9, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

90 MINUTE PARKING 8 A.M. - 6 P.M.

(EMERGENCY)

Calhoun Street --both sides-- for Packard Avenue to Wildwood Avenue

REGULATORY RESOLUTION NO. 51/88/E

(Adopted June 9, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

STOP INTERSECTION (EMERGENCY)

_____ and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 1, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

June 9, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Roy Street --both sides-- for Pittsburg Street

REGULATORY RESOLUTION NO. 52/88/D

(Adopted June 9, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

DELETE: _____

PREFERENTIAL INTERSECTION

(DELEGATED)

_____ and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 1, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

June 9, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE: _____

STOP INTERSECTION

(EMERGENCY)

Pittsburg Street --preferential-- at Roy Street

HENRY

LORI

REB

SCHMIDT

STIER

TALARICO

5-84-88

FROM: CHARLES REDD

TO: CITY CLERK
SANDRA KENNEDY

, MOVE RECONSIDERATION OF 88-04-05

Charles Redd